

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 807

Introduced by Assembly Member Fuentes

February 26, 2009

An act to amend Sections ~~6221~~ 6220, 6221, 6227, and 6228 of the Penal Code, relating to restitution centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Fuentes. Restitution centers.

Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, as specified.

This bill would revise what is included by the term "restitution" for these purposes, and provide that inmates who commit crimes involving a direct-victim *victims* shall receive priority placement in restitution centers, *as specified. The bill would require the Department of Corrections and Rehabilitation, no later than the 2010–11 fiscal year, to reopen and operate specified restitution centers.*

Existing law provides that a court may order the department to place an eligible defendant in a restitution center if the court makes a restitution order or if a restitution agreement is entered into by the victims and the defendant.

The bill would specify that the court may order the department to place an eligible defendant in a restitution center if the court makes an order for a restitution fine.

Existing law allows the department to send a defendant to a reception center for classification prior to placing the defendant in the restitution center.

This bill would remove this discretion of the department and require that defendants sentenced to a restitution center be sent directly to the restitution center.

Existing law provides criteria for eligibility for placement in a restitution center, including in part, that a defendant is eligible for placement in a restitution center if he or she has not served a prison term within the 5 years prior to the present conviction, does not have a criminal history of a conviction for the sale of drugs or for a crime involving violence or sex, and did not receive a sentence of more than 36 months.

This bill ~~revises~~ *would revise* those criteria to provide, among other criteria, that a defendant is eligible for placement in a restitution center if he or she does not have a criminal history of a conviction for the sale of drugs within the last 5 years, or for an offense requiring registration as a sex offender, or for a serious or violent felony, and the defendant did not receive a sentence of more than 60 months for the current offense or offenses.

The bill would also state findings and declarations by the Legislature pertaining to restitution centers and inmates.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Every year, more than 125,000 inmates are released from
- 3 California prisons. Of those released, more than half will return
- 4 to prison within two years, and more than 70 percent will return
- 5 within three years.
- 6 (b) The cost of incarceration alone has risen to a staggering
- 7 \$46,000 per inmate per year, which does not include the costs of
- 8 inmates participating in programming to address substance abuse,
- 9 mental health treatment, or educational and vocational training.
- 10 (c) The vast majority of inmates housed in California prisons
- 11 do not participate in a single program while incarcerated, and the
- 12 majority of inmates will be unemployed at the time of release from
- 13 prison, with few, if any, job prospects.
- 14 (d) Successful reentry models combine a continuity of services
- 15 before and after release from prison and real incentives to hold
- 16 former offenders accountable for using those services.

1 (e) The most successful models for preventing recidivism
2 include public-private partnerships among law enforcement,
3 government agencies, business and labor associations, private
4 employers, and community-based organizations formed to create
5 living wage employment opportunities for eligible former offenders
6 and to take advantage of existing programs and incentives for
7 hiring former offenders.

8 (f) The restitution center concept is a model where inmates
9 serving time for nonviolent, nonserious offenses can fulfill
10 obligations to pay restitution and other court related fines and fees
11 in addition to obtaining and maintaining employment.

12 (g) Being employed is a key factor ensuring a lower recidivism
13 rate and thus reducing taxpayer burdens.

14 *SEC. 2. Section 6220 of the Penal Code is amended to read:*

15 *6220. The ~~Director~~ Secretary of the Department of Corrections*
16 *and Rehabilitation may establish and operate facilities to be known*
17 *as restitution centers. The secretary shall operate the Los Angeles*
18 *County Central Restitution Center and the Los Angeles County*
19 *La Cienega Restitution Center.*

20 ~~SEC. 2:~~

21 *SEC. 3. Section 6221 of the Penal Code is amended to read:*

22 *6221. The purpose of restitution centers is to provide a means*
23 *for those sentenced to prison to be able to pay their victims'*
24 *financial restitution, which includes direct restitution to victims*
25 *as well as other restitution fines and fees, as ordered by the*
26 *sentencing court or as agreed upon by the defendant and his or her*
27 *victims. Inmates who commit crimes involving a ~~direct victim~~*
28 *direct victims shall receive priority placement in restitution centers.*

29 *SEC. 4. Section 6227 of the Penal Code is amended to read:*

30 *6227. (a) The court may order the Department of Corrections*
31 *and Rehabilitation to place an eligible defendant in a restitution*
32 *center if the court makes a restitution order, makes an order for a*
33 *restitution fine pursuant to Section 1202.4, or if a restitution*
34 *agreement is entered into by the victims and the defendant. The*
35 *Department of Corrections may send a defendant to a reception*
36 *center for classification prior to placing the defendant in the*
37 *restitution center. Defendants sentenced to a restitution center*
38 *shall be sent directly to the restitution center.*

1 **(b)** *Notwithstanding subdivision (a), inmates who commit crimes*
2 *involving a direct victim shall receive priority placement in*
3 *restitution centers.*

4 ~~SEC. 3.~~

5 **SEC. 5.** Section 6228 of the Penal Code is amended to read:

6 6228. A defendant is eligible for placement in a restitution
7 center if the defendant does not have a criminal history of a
8 conviction for the sale of drugs within the last five years or for an
9 offense requiring registration pursuant to Section 290, or a serious
10 felony, as listed in Section 1192.7, or a violent felony, as listed in
11 Section 667.5, the defendant did not receive a sentence of more
12 than 60 months for the current offense or offenses, the defendant
13 presents no unacceptable risk to the community, and the defendant
14 is employable. The provisions of Article 2.5 (commencing with
15 Section 2930) of Chapter 7 of Title 1 of Part 3, are applicable to
16 prisoners in restitution centers.

17 **SEC. 6.** *The Secretary of the Department of Corrections and*
18 *Rehabilitation shall reopen the Los Angeles County Central*
19 *Restitution Center and the Los Angeles County La Cienega*
20 *Restitution Center no later than the 2010–11 fiscal year.*